

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: EAST PALESTINE TRAIN
DERAILMENT

)
) CASE NO. 4:23-cv-00242
)
) JUDGE BENITA Y. PEARSON
)
)
) **TRIAL PROTOCOL ORDER**

In anticipation of the Trial scheduled to commence on Monday, March 31, 2025, the Court issues the following instructions:

1. Counsel is to review and adhere to the Civil Trial Order ([ECF No. 392](#)).
2. The parties and counsel must be present in the courtroom by 8:30 a.m. on the first day of trial, March 31, 2025.
3. Trial will commence with a discussion of preliminary matters. Upon completion, the Court will conduct *voir dire* (questioning of potential jurors) and jury impanelment, allowing counsel to speak only when invited to do so. Counsel will be prepared to discuss any evidentiary issues after the jury is dismissed.
4. After jury selection, a regular trial day will commence at 9:00 a.m. and conclude at 5:00 p.m.
5. When necessary, the Court will modify the trial schedule. The trial day will conclude at 12:00 p.m. Noon on April 8, 2025. Trial will also not be conducted on April 9, 2025 and April 18, 2025.
6. Opening statements and trial testimony shall occur Tuesday, April 1, 2025. Third-Party Plaintiffs shall have their first witness ready to testify immediately after opening statements.
7. Throughout trial, speaking objections are discouraged. The Court will ask if more information is needed to resolve an objection. Sidebars during trial will be limited.
8. Counsel is advised to have enough witnesses ready to testify so that each trial day is fully used. Failure to have the next witness ready can be sufficient grounds to end that party's presentation of evidence.

(4:23-cv-00242)

On Friday, March 28, , to assist counsel in preparation for *voir dire*, the Clerk's Office is ordered to disclose available redacted juror questionnaires to counsel of record electronically via CM/ECF.

Questionnaires will be available to counsel solely to assist their preparation for *voir dire*. They are not otherwise to be used, copied, or disclosed without Court Order. Upon selection of a jury, all questionnaires¹ shall be returned to the Court. Contact before trial by any counsel, party or any person acting on behalf of any counsel or party with any prospective juror is forbidden. Noncompliance with this directive or any other limitation imposed with reference to the disclosure or use of the questionnaires will lead to a contempt of Court citation and other appropriate sanctions.

The header of every document in the electronic record of the case at bar contains a "PageID #:" in the upper right corner. A filing that refers to other documents in the record, shall do so using that PageID #. For example, a reference might be: "ECF No. 902 at PageID #: 60719. Copies of relevant pages of referenced exhibits shall also be attached to the filing.

On or before April 1, 2025, the parties shall each submit a copy of their Exhibit Lists (ECF Nos. [905](#), [792](#), and [904](#)) in Word format to Judy_Guyer@ohnd.uscourts.gov for the Court's use.

IT IS SO ORDERED.

March 26, 2025

Date

/s/ Benita Y. Pearson

Benita Y. Pearson
United States District Judge

¹ The redactions obscure the juror's name and other identifying information. Counsel is reminded that no attempts shall be made to research potential jurors.